IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23643 of 2004

Between:

Annapurna Apartments Flat Owners' Welfare Association (Regd.No.1811/1995) # 5-3-1054/S.1,
II Floor, Besides Taramani Temple, Opp:Osmangunj, Hyderabad rep., by
its Secretary Sri Parasmal

..... PETITIONER

AND

1.. Municipal Corporation of Hyderabad represented by its

Commissioner,
Having Head Office at Tank Bund, Basheerbagh, Hyderabad.
2.. Vijay Bhaskar Reddy,
r/o H.No.5-3-1055, Besides Taramani Temple, Opp:Osmangunj,

Hyderabad.

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent No.1 to take action and remove the unauthorized constructions of extra three floors and cellar and encroachments on the road the made in the premises bearing Municipal No.5-3-1055, admeasuring 130 sq.yards, situated at Osmangunj, Hyderabad and also to prevent them from entering into premises by not issuing occupation certificate under Section 455 of the HMC Act, in the interest of justice and pass such order or orders

Counsel for the Petitioner:MR.B.V.V.S.MURTHY

Counsel for the Respondent No.1 : MR.RAMA RAO GANTA

The Court at the stage of admission made the following :

ORDER:

The petitioner is an association of Annapurna Apartments Flat Owners, bearing premises No.5-3-1054, situated at Osmangunj, Hyderabad. The grievance of the petitioner is that when the 2nd respondent, who is the neighbour and occupant of premises bearing Municipal No.5-3-1055, is making unauthorized constructions in the Cellar portion contrary to the sanctioned plan and by encroaching the road margin, it made complaints on 17.09.2004 and on 10.11.2004 before the 1st respondent-Commissioner, but no action is being taken so far.

Heard the learned counsel for the petitioner and learned Standing Counsel for respondent No.1-Commissioner. Both counsel agreed for disposal of the writ petition at the admission stage.

Since the complaints said to have been submitted by the petitioner-Association are pending consideration before the

1st respondent-Commissioner, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent-Commissioner to consider the same and after issuing notice and obtaining proper explanation from the 2nd respondent, take appropriate action in the matter. The entire exercise should be completed within a week from today.

With the above direction, the writ petition is disposed of at the state of admission. No costs.

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N.V.RAMANA,J

20-12-2004

TVK/NSR

NOTE: ISSUE COPY OF ORDER BY TOMORROW

To

1.. The Commissioner, Municipal Corporation of Hyderabad

Having Head Office at Tank Bund, Basheerbagh,

Hyderabad.
2. 2CD copies